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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,676	08/20/2003	Gregory J. Everett	EGJ-203-A	6444

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,676

Applicant(s)

EVERETT, GREGORY J.

Examiner

CUONG H. NGUYEN

Art Unit

3661

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Status of the claims

1. This Office Action is the answer to the communication filed on 10/17/2003. Claims 1-5 are pending.

Drawing

2. This application has been filed with 2 sheets of formal drawings, and they are accepted for examinations.

Priority

3. This application claims priority from a US provisional application 60/405,335 filed on 8/21/2002.

Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

4. Independent claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Lowrey et al. (US Pat. 6,611,740), in view of Chittipeddi (US Pat. 6,246,325), in view of Farris et al. (US Pat. 6,151,491).

Lowrey et al. suggest a wireless control device, obviously comprising:

a motherboard having a data port; a satellite modem;

a satellite antenna; network antennas (see also Chittipeddi, Figs.3-5); a GPS IC set; a GPS antenna; an OBD-II data bus communicator module; a voltage regulating circuit; a motherboard comprises memory and microprocessor; and means for decide which network having best communication condition (please note that these are fundamental device/circuit for wireless communication).

Lowrey et al. do not disclose about a roaming module connected to said data port or said motherboard.

However, Farris et al. suggest of using a roaming module (see Farris et al., 13:56-66).

a plurality of IC sets, may including CDMA, TDMA, GSM, and analog cellular connected to said network roam module (see Chittipeddi, Fig, 2; 4:51-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the configuration in the system of Lowrey et al. with Farris et al., and Chittipeddi's disclosure to expand the various kinds of signals in communications by automatic conversing to the best trans-receiving signals.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being obvious over Lowrey et al. (US Pat. 6,611,740), in view of Chittipeddi (US Pat. 6,246,325), in view of Farris et al.

(US Pat. 6,151,491), and further in view of Hoffberg (US Pat. 6,429,812).

The rationales and references for rejection of claim 1 are incorporated.

Lowrey et al., obviously suggest about sensing conditions of the vehicle with OBD-II via a gateway (see Lowrey et al., 3:14-17, and claim 8).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being obvious over Lowrey et al. (US Pat. 6,611,740), in view of Chittipeddi (US Pat. 6,246,325), in view of Farris et al. (US Pat. 6,151,491), and further in view of Hoffberg (US Pat. 6,429,812).

The rationales and references for rejection of claim 2 are incorporated.

Lowrey et al., also suggest about sensing conditions of the vehicle's mechanical and electrical function with OBD-II (see Lowrey et al., Table 1, 1:10 to 2:67, and 5:10-17).

Hoffberg further suggests using GPS of controlling/guiding, steering, braking, and accelerating a vehicle (see Hoffberg, Fig.1, and 20:2-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the configuration in the system of Lowrey et al., Chittipeddi

...and Farris et al. with Hoffberg's disclosure for commands, ...
and controls of a remote vehicle specifically utilizing its
OBD-II.

Conclusion

7. Claims 1-5 are not patentable.

8. Remark: About carrying forward another's invention--
Design choice to make integral: there is a requirement that
the unification or integration involve more than mere
mechanical skill. In re Murray, 19 CCPA 739, 53 F.2d 541,
11 USPQ 155; In re Zabel et al., 38 CCPA 832, 186 F.2d 735,
88 USPQ 367.

9. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to
CUONG H. NGUYEN whose telephone number is 703-305-4553.
The examiner can normally be reached on 7:15am - 3:45pm.
If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Thomas G. Black
can be reached on 703-305-8233. The fax phone number for
the organization where this application is assigned is 703-
305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

CAN
CUONG H. NGUYEN
Primary Examiner
Art Unit 3661